

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Delaware

Forest Laboratories, Inc., et al.,

Plaintiffs,

V.

SUMMONS IN A CIVIL CASE

Cobalt Laboratories, Inc., et al.,

CASE NUMBER:

08-021

Defendants.

TO: (Name and address of Defendant)

Upsher-Smith Laboratories, Inc.
c/o State of Delaware - Secretary of State
Division of Corporations
John G. Townsend Building
401 Federal Street - Suite 4
Dover, DE 19901

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Jack B. Blumenfeld
Maryellen Noreika
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK



(By) DEPUTY CLERK

DATE

1/10/08

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RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE January 11, 2007
NAME OF SERVER (PRINT) <i>RIL HAND RILEY</i>	TITLE Messenger
Check one box below to indicate appropriate method of service	
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____	
<input type="checkbox"/> Returned unexecuted: _____ _____	
<input checked="" type="checkbox"/> Other (specify): By hand delivering a copy of the summons and complaint to Upsher-Smith Laboratories, Inc., c/o Secretary of State, Division of Corporations, John G. Townsend Building, 401 Federal Street, Suite 4, Dover, DE 19901 pursuant to 10 Del. C. § 3104	

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 1/11/08 Date

Richard L. Riley Signature of Server
 800 King Street
 Suite 102
 Wilmington, DE 19801
 Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.